

SUBJECT: Creating a criminal offense for false reports against emergency responders

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 6 ayes — Collier, K. Bell, Hunter, Moody, Murr, Pacheco

1 nay — J. González

2 absent — Zedler, P. King

WITNESSES: For — John Bruce, City of Frisco Police Department; Richard Jankovsky III, DPS Officers Association; Larry Simmons, Grand Prairie Police Department, Texas Police Chiefs Association; Brad McCutcheon, Texas State Association of Firefighters; Yolanda Davis, Texas Municipal Police Association; David Lowthorp, Williamson County Sheriff's Office; (*Registered, but did not testify*: Bill Kelly, City of Houston Mayor's Office; Rita Ostrander, Combined Law Enforcement Associations of Texas; Frederick Frazier, Dallas Police Association; David Sinclair, Game Warden Peace Officers Association; Ray Hunt, Houston Police Officers Union; Jimmy Rodriguez, San Antonio Police Officers Association; Troy Alexander, Texas Medical Association; Monty Wynn, Texas Municipal League; Noel Johnson, Texas Municipal Police Association)

Against — Chris Harris, Just Liberty

DIGEST: CSHB 1625 would make it a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) to knowingly and with the intent to deceive make a false report that a peace officer or emergency services personnel committed a crime while performing official duties with the purpose of initiating a criminal investigation against the officer or personnel.

If a criminal offense under the provisions of the bill also constituted an offense under another law, the actor could be prosecuted under either law or both laws.

The bill would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

CSHB 1625 would protect peace officers and emergency services personnel from false reports of misconduct by creating a criminal offense for filing such reports. The bill also would prevent the waste of resources used to litigate false accusations against peace officers and first responders by discouraging false reports.

Although current statute provides penalties for perjury during court proceedings, false reports of misconduct made against peace officers and emergency services personnel are not covered under existing law. These false reports can be just as damaging to these individuals' careers as statements made under oath, even after allegations are shown to be false. The bill would discourage individuals from making these false reports by creating a criminal penalty for knowingly making unfounded accusations. This would supplement the perjury laws and provide further protections to law enforcement and emergency services personnel.

This bill would prevent the unnecessary use of taxpayer resources to litigate false accusations by creating a consequence for those filing inaccurate reports. Currently, state resources must be used to litigate accusations against peace officers and emergency responders. In addition, these personnel are often taken off duty while their cases are pending, which could lead to a manpower shortage.

The bill would not discourage individuals from making legitimate reports since the bill includes a high bar for prosecution. In order to be prosecuted under the provisions of the bill, an individual would have to have made a false report knowingly and with the intent to deceive and for the purpose of initiating a criminal investigation against the personnel in question.

In addition, the bill would strengthen the relationship between law enforcement and the community by ensuring that all complaints filed by members of the public were made in good faith and reflected accurate concerns.

OPPONENTS  
SAY:

CSHB 1625 could undermine the relationship between law enforcement and local communities and could discourage reporting of police misconduct by creating a new criminal penalty. Although false reports are harmful to the personnel against whom they are made, legitimate complaints could go unreported if there was a threat of prosecution for filing police reports.

Police and emergency personnel rely on the trust of the public to function effectively. This bill could breach that trust by discouraging civilians from making complaints to the police due to fears of retribution.